

**IN THE FRANKLIN COUNTY MUNICIPAL COURT  
ENVIRONMENTAL DIVISION  
COLUMBUS, OHIO**

2017 AUG -3 PM 12: 52

**State ex rel. Columbus City Attorney  
Richard C. Pfeiffer, Jr.**

Relator-Plaintiff,

v.

**Nada Harb, et al.,**

Respondents-Defendants.

Case No:

Judge Daniel R. Hawkins

Parcel No. 010-048318-00

**TEMPORARY RESTRAINING ORDER**

This matter came before the Court on August 3<sup>rd</sup>, 2017 on Relator-Plaintiff's request for a temporary restraining order filed in conjunction with a Complaint and Motion for Preliminary and Permanent Injunctive Relief. In light of the circumstances, this motion was filed *ex parte*. For purposes of the temporary restraining order, the Court finds that the Relator-Plaintiff has established that Respondent-Defendant Nada Harb is the record owner of the property located at 1609 Cleveland Avenue in Columbus, Ohio. All Respondents-Defendants are persons in charge, care, and control, and/or agents or employees of "Mose's One Stop Shop" located at 1609 Cleveland Avenue in Columbus, Ohio, 43211, Franklin County Recorder Parcel No. 010-048318-00 (hereinafter "Premises" or "the property" or "Mose's").

Pursuant to Ohio Civil Rule 65(A), and R.C. 3767.04(B)(2), this Court hereby enters this temporary restraining order. The Court finds that Relator-Plaintiff has made a preliminary showing that continued illegal activity at 1609 Cleveland Avenue in Columbus, Ohio, 43211 will cause immediate and irreparable harm to the surrounding

community due to the narcotics activity, gang presence, and the threat of physical harm posed to the community and police officers. Furthermore, pursuant to Civil Rule 65, Relator-Plaintiff has established that exigent circumstances exist to support the issuance of an *ex parte* restraining order in accordance with the Ohio Revised Code.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:**

The Relator-Plaintiff has established by clear and convincing evidence that the illegal activity occurring at the premises located at 1609 Cleveland Avenue in Columbus, Ohio, 43211, continues to cause irreparable harm to the community and that the property is a nuisance *per se* as defined in R.C. § 3767.01 and R.C. § 3767.02, and in Columbus City Code § 4703. It is the further **ORDER** of this Court that all occupants of 1609 Cleveland Avenue in Columbus, Ohio, 43211, be forcibly removed from the Premises forthwith. Furthermore, the premises shall be closed, padlocked, boarded or secured as deemed necessary by the Chief of the Columbus Police Department or his or her designee(s) against its use, and that Respondents-Defendants and all other persons be restrained from removing or in any manner interfering with the personal property and contents of the Premises, for any purpose, until a final decision is rendered on the Complaint and Motion for Preliminary and Permanent Injunctive Relief as required by R.C. § 3767.04. All vehicles must be removed from the property at the time this Order is executed.

The officer serving the restraining order forthwith shall make and return into court an inventory of the personal property and contents situated in and used in conducting or maintaining the nuisance.

It is further **ORDERED** that only necessary personal property located on the premises be removed by the occupants prior to closure and under the direction of the Columbus Division of Police. The Columbus Division of Police is authorized to inventory personal property located on the premises; however, only items related to or in connection with the illegal conduct must be inventoried. The Columbus Division of Police may, however, remove and secure at an off-site location highly mobile and valuable property, including but not limited to such personal property as automobiles, cash, jewelry and electronic equipment which may be at risk of theft during the pendency of this ORDER.

It is further **ORDERED** that **this temporary restraining order shall apply to the parcel in its entirety. No person may enter and/or occupy 1609 Cleveland Avenue known as "Mose's One Stop Shop", including the parking lot, or any portion of the parcel. Any violation of this order, including mutilation of this order, is contempt of court, punishable as a first degree misdemeanor.**

This case is continued for further hearing on the merits of Relator-Plaintiff's Complaint and Motion for Preliminary and Permanent Injunctive Relief on the 14<sup>th</sup> day of Aug, 2017 at 2:00 PM in courtroom 15B, located on the 15<sup>th</sup> floor of 375 S. High Street, Columbus, Ohio 43215. This Order shall remain in effect until that time or as otherwise ordered by this Court.

This order shall be served upon the Respondents-Defendants by the Columbus Division of Police or Relator-Plaintiff's Counsel. The closing of said premises with forcible entry and removal of all occupants shall be effectuated by the Columbus Division of Police with the assistance of Columbus Code Enforcement. Based on the Affidavits of Columbus Police Officers, the Court finds that notice of entry upon the premises could result in destruction, concealment or removal of contraband or illegal property and could create a serious risk of physical harm to law enforcement officers or other authorized individuals in the execution of this *ex parte* Order.

**IT IS SO ORDERED.**

DATE

8/3/17

  
JUDGE DANIEL R. HAWKINS